IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 21186 of 2004

Between:

1 Unnamatla Ganga Raju, S/o Late Dharma Raju,
R/o Pattinapalem, Jangareddygudem Mandal, West Godavari

District
2 Unnamatla Raju Sundara Raju, S/o Late Dharma Raju,
R/o Pattinapalem, Jangareddygudem, West Godavari District

..... PETITIONER(S)

AND

1 The Superintendent of Police, Eluru, West Godavari District
2 The Deputy Superintendent of Police, Jangareddygudem, West Godavari District
3 The Station House Officer, Lakkavaram Police Station, Lakkavaram,
Jangareddygudem Mandal, West Godavari District
4 Unnamatla Aggidevudu, S/o Pothuraju,
R/o Nimmalagudem, Jangareddygudem Mandal,
West Godavari District
5 Unnamatla Nageswara Rao, S/o Pothuraju,
R/o Nimmalagudem, Jangareddygudem, West Godavari District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction especially one in the Writ of Mandamus declaring the inaction of the 3rd respondent in not registering any case against the respondents 4 and 5 and others as per the complaint dated 29-10-2004 nor taking any action in pursuance of the complaint given by the 1st respondent on 29-10-2004, is arbitrary and against the Sec.154 of Code of Criminal Procedure Code and direct the 3rd respondent to take appropriate action in accordance with law.

Counsel for the Petitioners: MR.S.SUBBA REDDY

Counsel for Respondents 1 to 3:GP FOR HOME

The Court at the stage of admission made the following ORDER:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.21186 OF 2004

-

ORAL ORDER :

The only grievance of the petitioners is that in spite of the fact that the first petitioner lodged a complaint on 29-10-2004 making certain allegations against the respondents 4 and 5, the third respondent – Station House Officer, Lakkavaram Police Station, Lakkavaram, Jangareddygudem Mandal, West Godavari District failed to take any action.

Having heard the learned Counsel for the petitioners and the learned Government Pleader for Home appearing for the respondents 1 to 3, the Writ Petition is disposed of granting liberty to the petitioners to send the substance of the complaint dated 29-10-2004 in writing to the Superintendent of Police concerned as provided under Section 154(3) of the Code of Criminal Procedure, in which event, he shall consider the same and take necessary action in accordance with law, if he is satisfied that a cognizable offence is made out, as expeditiously as possible preferably within a period of three days from the date of receipt of the representation from the petitioners. Even if he is of the opinion that no cognizable offence has been committed, the same shall be informed to the petitioner accordingly.

Accordingly, the Writ Petition is disposed of. No costs.

_____

19th November, 2004.

Note:- CC by tomorrow.

(B/O)

Kdl

To

1 The Superintendent of Police, Eluru, West Godavari District
2 The Deputy Superintendent of Police, Jangareddygudem, West Godavari District
3 The Station House Officer, Lakkavaram Police Station, Lakkavaram,
4 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad (OUT).

5 Two C.D. Copies.